

To: Benjamin A. Costa(trademark@rcjlawgroup.com)
Subject: U.S. Trademark Application Serial No. 97670553 - LULU'S
Sent: October 04, 2023 01:02:07 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[6594612](#)
[88661884](#)
[4596248](#)
[4849083](#)
[5090318](#)
[5328264](#)
[5451368](#)
[5545031](#)
[6961966](#)

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97670553

Mark: LULU'S

Correspondence Address:

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UNITED STATES

Applicant: LuLu's on the Alameda, Inc.

Reference/Docket No. N/A

Correspondence Email Address: trademark@rcjlawgroup.com

NONFINAL OFFICE ACTION

Response deadline. File a response to this nonfinal Office action within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the “How to respond” section below.

Request an extension. For a fee, applicant may [request one three-month extension](#) of the response

deadline prior to filing a response. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant’s response to this letter within six months of the “Issue date” to avoid abandonment of the application.

Issue date: October 4, 2023

Introduction

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Summary of Issues

- **Section 2(d) - Likelihood of Confusion Refusals**
- **Advisory regarding Potential Section 2(d) Refusal - Prior-Filed Application**

Section 2(d) - Likelihood of Confusion Refusals

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. **4596248, 4849083, 5090318, 5328264, 5451368, 5545031, 6594612, and 6961966**. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registrations.

Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the goods and/or services of the parties. *See* 15 U.S.C. §1052(d). Likelihood of confusion is determined on a case-by-case basis by applying the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) (called the “*du Pont* factors”). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). Any evidence of record related to those factors need be considered; however, “not all of the *DuPont* factors are relevant or of similar weight in every case.” *In re Guild Mortg. Co.*, 912 F.3d 1376, 1379, 129 USPQ2d 1160, 1162 (Fed. Cir. 2019) (quoting *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1406, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997)).

Although not all *du Pont* factors may be relevant, there are generally two key considerations in any likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared goods and/or services. *See In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int’l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) (“The fundamental inquiry mandated by [Section] 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods [or services] and differences in the marks.”); TMEP §1207.01.

Applicant's mark is "LULU'S" in standard characters for:

- **International Class 043:** “Restaurant and cafe services; Restaurant and catering services; Restaurant services; Restaurant services, including sit-down service of food and take-out restaurant services; Restaurant services, namely, providing of food and beverages for

consumption on and off the premises; Take-out restaurant services; Take-out restaurant services, namely, providing food and beverages to third party delivery services”.

Registrant’s mark (No. 4596248) is "**LULU'S WAIKIKI**" in standard characters for:

- **International Class 043:** “Restaurant and bar services” .

Registrant’s mark (No. 4849083) is "**LULU'S**" in stylized text for (in relevant part):

- **International Class 043:** “Catering services in the field of ice cream, non-dairy ice cream and sorbet” .

Registrant’s mark (No. 5090318) is "**LULU'S BBQ**" with a design for:

- **International Class 043:** “Restaurant services featuring barbecue; Restaurant and catering services; Restaurant and bar services; Restaurant services, including sit-down service of food and take-out restaurant services; Restaurant, bar and catering services” .

Registrant’s mark (No. 5328264) is "**LULU'S CAFE**" in standard characters for:

- **International Class 043:** “Restaurant services; Restaurant and café services; Fast-food restaurant services; Mobile restaurant services” .

Registrant’s mark (No. 5451368) is "**LULU'S THAI NOODLE SHOP**" in standard characters for:

- **International Class 043:** “Restaurant services” .

Registrant’s mark (No. 5545031) is "**LULU'S ON MAIN**" with a design for:

- **International Class 043:** “Restaurant services” .

Registrant’s mark (No. 6594612) is "**LULU'S**" in standard characters for (in relevant part):

- **International Class 043:** “Restaurant services featuring sit-down, take-out, home delivery, and catering services” .

Registrant’s mark (No. 6961966) is "**LULU'S ITALIAN**" in stylized text for :

- **International Class 043:** “Restaurant; Restaurant and bar services; Restaurant and café services; Restaurant services” .

Similarity of the Marks

Marks are compared in their entirety for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(v). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Inn at St. John’s, LLC*, 126 USPQ2d 1742, 1746 (TTAB 2018) (citing *In re*

Davia, 110 USPQ2d 1810, 1812 (TTAB 2014)), *aff'd per curiam*, 777 F. App'x 516, 2019 BL 343921 (Fed. Cir. 2019); TMEP §1207.01(b).

In the present case, the first word of applicant's and all nine compared registrations is "LULU'S". Consumers are generally more inclined to focus on the first word, prefix, or syllable in any trademark or service mark. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005) (finding similarity between VEUVE ROYALE and two VEUVE CLICQUOT marks in part because "VEUVE . . . remains a 'prominent feature' as the first word in the mark and the first word to appear on the label"); *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 876, 23 USPQ2d 1698, 1700 (Fed. Cir. 1992) (finding similarity between CENTURY 21 and CENTURY LIFE OF AMERICA in part because "consumers must first notice th[e] identical lead word"); *see also In re Detroit Athletic Co.*, 903 F.3d 1297, 1303, 128 USPQ2d 1047, 1049 (Fed. Cir. 2018) (finding "the identity of the marks' two initial words is particularly significant because consumers typically notice those words first"). Because consumers are more likely to focus on the first word of the applied-for mark, and that first word is identical to the first word in all eight registrants' marks, the compared marks are thus similar in appearance, sound, and commercial impression.

Additionally, incorporating the entirety of one mark within another does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). *See Wella Corp. v. Cal. Concept Corp.*, 558 F.2d 1019, 1022, 194 USPQ 419, 422 (C.C.P.A. 1977) (holding CALIFORNIA CONCEPT and surfer design and CONCEPT confusingly similar); *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (holding BENGAL LANCER and design and BENGAL confusingly similar); *Double Coin Holdings, Ltd. v. Tru Dev.*, 2019 USPQ2d 377409, at *6-7 (TTAB 2019) (holding ROAD WARRIOR and WARRIOR (stylized) confusingly similar); *In re Mr. Recipe, LLC*, 118 USPQ2d 1084, 1090 (TTAB 2016) (holding JAWS DEVOUR YOUR HUNGER and JAWS confusingly similar); TMEP §1207.01(b)(iii). In the present case, applicant's mark is either identical to the word element of registrants' respective marks (Reg. Nos. 4849083 and 6594612), or is entirely incorporated into registrants' marks (Reg. Nos. 4596248, 5090318, 5328264, 5451368, 5545031, and 6961966). Thus, all nine compared marks are identical in part, which further underlines the similarity in their appearance, sound, and commercial impression.

Also, while applicant's and three of the compared registered marks (Reg. Nos. 4596248, 5328264, and 5451368) appear in standard character form, the other compared registered marks appear in stylized form (Reg. Nos. 4849083, 6961966) and/or with a design (Reg. Nos. 5090318, 5545031, and 6594612). However, a mark in typed or standard characters may be displayed in any lettering style; the rights reside in the wording or other literal element and not in any particular display or rendition. *See In re Viterro Inc.*, 671 F.3d 1358, 1363, 101 USPQ2d 1905, 1909 (Fed. Cir. 2012); *In re Mighty Leaf Tea*, 601 F.3d 1342, 1348, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010); 37 C.F.R. §2.52(a); TMEP §1207.01(c)(iii). Thus, a mark presented in stylized characters and/or with a design element generally will not avoid likelihood of confusion with a mark in typed or standard characters because the word portion could be presented in the same manner of display. *See, e.g., In re Viterro Inc.*, 671 F.3d at 1363, 101 USPQ2d at 1909; *Squirtco v. Tomy Corp.*, 697 F.2d 1038, 1041, 216 USPQ 937, 939 (Fed. Cir. 1983) (stating that "the argument concerning a difference in type style is not viable where one party asserts rights in no particular display"). Because applicant's mark can be presented in any style or manner, including one similar to the registrants with stylized wording, the fact that it is in standard character does not avoid likelihood of confusion between the marks.

Furthermore, when evaluating a composite mark consisting of words and a design, the word portion is normally accorded greater weight because it is likely to make a greater impression upon purchasers, be remembered by them, and be used by them to refer to or request the goods and/or services. *In re Viterro Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *CBS Inc. v. Morrow*, 708 F.2d 1579, 1581-82, 218 USPQ 198, 200 (Fed. Cir. 1983)); *Made in Nature, LLC v. Pharmavite LLC*, 2022 USPQ2d 557, at *41 (TTAB 2022) (quoting *Sabhnani v. Mirage Brands, LLC*, 2021 USPQ2d 1241, at *31 (TTAB 2021)); TMEP §1207.01(c)(ii). Thus, although marks must be compared in their entireties, the word portion is often considered the dominant feature and is accorded greater weight in determining whether marks are confusingly similar, even where the word portion has been disclaimed. *In re Viterro Inc.*, 671 F.3d at 1366-67, 101 USPQ2d at 1911 (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1570-71, 218 USPQ2d 390, 395 (Fed. Cir. 1983)). In the present case, registrants' marks (Reg. No. 5090318, 5545031, and 6594612) include designs. However, the literal element of each of those marks, each containing the entirety of the applied-for mark, should be given more weight when considering whether the marks are confusingly similar. Thus, the addition of a design element in registrants' marks (Reg. No. 5090318, 5545031, and 6594612) does not obviate the similarity of the marks.

Because the nine compared marks look and sound similar and create the same commercial impression, they are considered similar for likelihood of confusion purposes.

Relatedness of the Goods and/or Services

The goods and/or services are compared to determine whether they are similar, commercially related, or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §§1207.01, 1207.01(a)(vi).

The compared goods and/or services need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000); TMEP §1207.01(a)(i). They need only be “related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i); *see Made in Nature, LLC v. Pharmavite LLC*, 2022 USPQ2d 557, at *44 (TTAB 2022) (quoting *In re Jump Designs LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006)).

Here, applicant's services, “**Restaurant and cafe services; Restaurant and catering services; Restaurant services; Restaurant services, including sit-down service of food and take-out restaurant services; Restaurant services, namely, providing of food and beverages for consumption on and off the premises; Take-out restaurant services; Take-out restaurant services, namely, providing food and beverages to third party delivery services,**” are closely related to registrants' services:

- Registrant's mark (No. 4596248): “**Restaurant and bar services**” .
- Registrant's mark (No. 4849083) (in relevant part): “**Catering services in the field of ice cream,**

non-dairy ice cream and sorbet” .

- Registrant’s mark (No. 5090318): **“Restaurant services featuring barbecue; Restaurant and catering services; Restaurant and bar services; Restaurant services, including sit-down service of food and take-out restaurant services; Restaurant, bar and catering services” .**
- Registrant’s mark (No. 5328264): **“Restaurant services; Restaurant and café services; Fast-food restaurant services; Mobile restaurant services” .**
- Registrant’s mark (No. 5451368): **“Restaurant services” .**
- Registrant’s mark (No. 5545031): **“Restaurant services” .**
- Registrant’s mark (No. 6594612) (in relevant part): **“Restaurant services featuring sit-down, take-out, home delivery, and catering services” .**
- Registrant’s mark (No. 6961966): **“Restaurant; Restaurant and bar services; Restaurant and café services; Restaurant services” .**

Determining likelihood of confusion is based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. *See In re Detroit Athletic Co.*, 903 F.3d 1297, 1307, 128 USPQ2d 1047, 1052 (Fed. Cir. 2018) (citing *In re i.am.symbolic, llc*, 866 F.3d 1315, 1325, 123 USPQ2d 1744, 1749 (Fed. Cir. 2017)).

In this case, the application uses broad wording to describe restaurant and catering services, which presumably encompasses all services of the type described, including all eight compared registrants’ more narrow "restaurant services" and "catering services". *See, e.g., Made in Nature, LLC v. Pharmavite LLC*, 2022 USPQ2d 557, at *44 (TTAB 2022); *In re Solid State Design Inc.*, 125 USPQ2d 1409, 1412-15 (TTAB 2018); *Sw. Mgmt., Inc. v. Ocinomled, Ltd.*, 115 USPQ2d 1007, 1025 (TTAB 2015). Thus, applicant’s and registrants' services are legally identical. *See, e.g., In re i.am.symbolic, llc*, 127 USPQ2d 1627, 1629 (TTAB 2018) (citing *Tuxedo Monopoly, Inc. v. Gen. Mills Fun Grp., Inc.*, 648 F.2d 1335, 1336, 209 USPQ 986, 988 (C.C.P.A. 1981); *Inter IKEA Sys. B.V. v. Akea, LLC*, 110 USPQ2d 1734, 1745 (TTAB 2014); *Baseball Am. Inc. v. Powerplay Sports Ltd.*, 71 USPQ2d 1844, 1847 n.9 (TTAB 2004)).

Additionally, the services of the parties have no restrictions as to nature, type, channels of trade, or classes of purchasers and are “presumed to travel in the same channels of trade to the same class of purchasers.” *In re Vittera Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)); *Made in Nature, LLC v. Pharmavite LLC*, 2022 USPQ2d 557, at *49. Accordingly, the services are considered related for purposes of the likelihood of confusion analysis.

Conclusion

Because the marks are similar and the goods and services are related, there is a likelihood of confusion as to the source of applicant's services, and registration is refused pursuant to Section 2(d) of the Trademark Act.

Although applicant's mark has been refused registration, applicant may respond to the refusals by submitting evidence and arguments in support of registration.

Advisory regarding Potential Section 2(d) Refusal - Prior-Filed Application

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting registered marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02. However, a mark in a prior-filed pending application may present a bar to registration of applicant's mark.

The October 21, 2019 filing date of pending U.S. Application Serial No. **88661884** precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

While applicant is not required to respond to the issue of the pending application, applicant must respond to the refusals above within the deadline mentioned above to avoid abandonment.

RESPONSE GUIDELINES:

For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see "[Responding to Office Actions](#)" and the informational [video "Response to Office Action"](#) for more information and tips on responding.

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. See TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. File a [response form to this nonfinal Office action](#) or file a [request form for an extension of time to file a response](#).

/Kareine Johnson/
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RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response or extension request must be received by the USPTO before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) [system availability](#) could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email TEAS@uspto.gov.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS



Mark Punctuated

LULU'S

Translation

Goods/Services

- IC 030. US 046.G & S: pizza and sushi. FIRST USE: 20130212. FIRST USE IN COMMERCE: 20130212
- IC 043. US 100 101.G & S: Restaurant services featuring sit-down, take-out, home delivery, and catering services. FIRST USE: 20130212. FIRST USE IN COMMERCE: 20130212

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Code

240907

Serial Number

90492103

Filing Date

20210127

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date

20211005

Registration Number

6594612

Date Registered

20211221

Owner

(REGISTRANT) LULU'S PIZZA LLC LIMITED LIABILITY COMPANY IDAHO 3224 S. Quarterswing Way Boise IDAHO 83716

Priority Date

Disclaimer Statement

Description of Mark

The mark consists of the word "LULU'S" with offset and askew outlines and including, below the word, a banner portion with inward pointed V-cut ends.

Type of Mark

TRADEMARK. SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Elizabeth Herbst Schierman

88661884

Pesce Lulu

Word Mark	PESCE LULU
Goods/Services	<ul style="list-style-type: none">• IC 030 US 046 Salt; Sauces; Spices.• IC 043 US 101 100 Restaurant.
Register	PRINCIPAL
Serial Number	88661884
Filing Date	2019-10-21T00:00:00
Original Filing Basis	1b
Current Filing Basis	1b
Publication Date	2021-11-02
Owner	(LAST LISTED OWNER) Pesce Lulu INC (CORPORATION; NEW YORK); 1L, 30 Ocean Parkway, Brooklyn, NEW YORK 11218, UNITED STATES
Type of Mark	<ul style="list-style-type: none">• TRADEMARK• SERVICE MARK
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Translation	The English translation of Pesce in the mark is Fish.
Disclaimer	"PESCE"
Live Dead Indicator	LIVE
Status	SU - ACTION CONTINUING FINAL - MAILED

4596248

LuLu's Waikiki

Word Mark	LULU'S WAIKIKI •
Goods/Services	IC 043 US 101 100 Restaurant and bar services.
Register	PRINCIPAL
Serial Number	86157303
Filing Date	2014-01-03T00:00:00
Original Filing Basis	1a
Current Filing Basis	1a
Publication Date	2014-06-17
Registration Number	4596248
Date Registered	2014-09-02
Owner	(REGISTRANT) Waikiki LuLu's, LLC LIMITED LIABILITY COMPANY HAWAII (LIMITED LIABILITY COMPANY; HAWAII); 2586 Kalakaua Ave., Honolulu, HAWAII 96815, UNITED STATES
Type of Mark	SERVICE MARK
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Disclaimer	"WAIKIKI"
Live Dead Indicator	LIVE
Status	SECTION 8-ACCEPTED

4849083

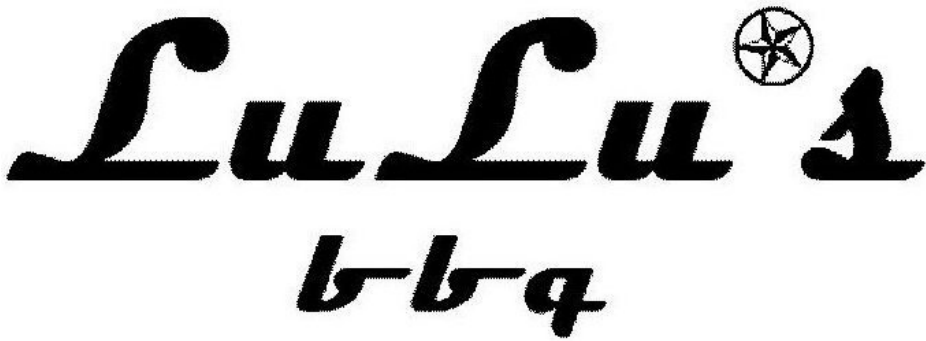


Word Mark	LULU'S
Goods/Services	<ul style="list-style-type: none">• IC 035 US 101 100 102 Retail store services featuring ice cream and frozen confections; Retail store services featuring ice cream and frozen confections for consumption off the premises.• IC 043 US 100 101 Catering services in the field of ice cream, non-dairy ice cream and sorbet.
Register	PRINCIPAL
Serial Number	86375333
Filing Date	2014-08-23T00:00:00
Original Filing Basis	<ul style="list-style-type: none">• 1a• 1b
Current Filing Basis	1a
Publication Date	2015-08-25
Registration Number	4849083
Date Registered	2015-11-10
Owner	<ul style="list-style-type: none">• (REGISTRANT) Lulu's LLC (LIMITED LIABILITY COMPANY; DISTRICT OF COLUMBIA); 1899 L Street, NW, Suite 900, Washington, DISTRICT OF COLUMBIA 20036, UNITED STATES• (LAST LISTED OWNER) HITRADE LLC (LIMITED LIABILITY COMPANY; FLORIDA); 2001 BISCAYNE BLVD #CU-08, MIAMI, FLORIDA 33137, UNITED STATES
Type of Mark	SERVICE MARK

Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Description of Mark	<ul style="list-style-type: none">• Color is not claimed as a feature of the mark.• The mark consists of the stylized word "LULU'S" in possessive form.
Other Data	The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.
Live Dead Indicator	LIVE
Status	SECTION 8-ACCEPTED
Attorney of Record	Paul Cosmovici

Print: October 2, 2023 4:40 PM

5090318



Word Mark	LULU'S BBQ •
Goods/Services	IC 043 US 101 100 Restaurant services featuring barbecue; Restaurant and catering services; Restaurant and bar services; Restaurant services, including sit-down service of food and take-out restaurant services; Restaurant, bar and catering services.
Register	PRINCIPAL
Serial Number	86970834
Filing Date	2016-04-11T00:00:00
Original Filing Basis	1a
Current Filing Basis	1a
Publication Date	2016-09-13
Registration Number	5090318
Date Registered	2016-11-29
Owner	(REGISTRANT) LuLu's BBQ, LLC (LIMITED LIABILITY COMPANY; COLORADO); 701B Main Street, Louisville, COLORADO 80027, UNITED STATES
Type of Mark	SERVICE MARK
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Code	010103, 260102
Description of Mark	<ul style="list-style-type: none">• Color is not claimed as a feature of the mark.• The mark consists of the words "LULU'S BBQ" in a stylized script font, with "LULU'S" appearing above "BBQ" and the apostrophe in "LULU'S" is represented by a five-pointed star within a circle.

Disclaimer	"BBQ"
Other Data	The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.
Live Dead Indicator	LIVE
Status	SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED
Attorney of Record	Scott E. Brenner

Print: October 2, 2023 4:41 PM

5328264

Lulu's Cafe

Word Mark	LULU'S CAFE •
Goods/Services	IC 043 US 100 101 Restaurant services; Restaurant and café services; Fast-food restaurant services; Mobile restaurant services.
Register	PRINCIPAL
Serial Number	87388980
Filing Date	2017-03-28T00:00:00
Original Filing Basis	1a
Current Filing Basis	1a
Publication Date	2017-08-22
Registration Number	5328264
Date Registered	2017-11-07
Owner	(REGISTRANT) Misty D. Pate Coan (INDIVIDUAL; SOUTH CAROLINA, USA); 1910 Arundel Road, Myrtle Beach, SOUTH CAROLINA 29577, UNITED STATES
Type of Mark	SERVICE MARK
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Disclaimer	"CAFE"
Other Data	The name shown in the mark does not identify a particular living individual.
Live Dead Indicator	LIVE
Status	SECTION 8-ACCEPTED
Attorney of Record	Melanie Anne Emery, Esquire

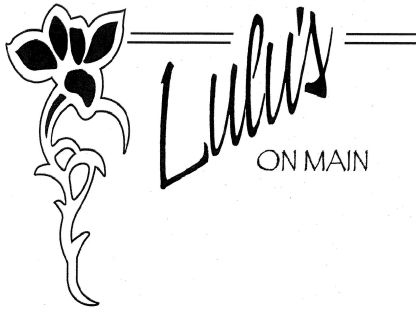
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5451368

LULU'S THAI NOODLE SHOP

Word Mark	LULU'S THAI NOODLE SHOP •
Goods/Services	IC 043 US 100 101 Restaurant services.
Register	PRINCIPAL
Serial Number	87572688
Filing Date	2017-08-17T00:00:00
Original Filing Basis	1a
Current Filing Basis	1a
Publication Date	2018-02-06
Registration Number	5451368
Date Registered	2018-04-24
Owner	(REGISTRANT) LuLu's Thai Noodle Shop and Satay Bar, L.L.C. (LIMITED LIABILITY COMPANY; KANSAS); 2030 Central, Kansas City, MISSOURI 64108, UNITED STATES
Type of Mark	SERVICE MARK
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Disclaimer	"THAI NOODLE SHOP"
Other Data	The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.
Live Dead Indicator	LIVE
Status	REGISTERED
Attorney of Record	Robert E. Marsh

5545031



Word Mark	LULU'S ON MAIN
Goods/Services	<ul style="list-style-type: none">• IC 043 US 100 101 Restaurant services.
Register	PRINCIPAL
Serial Number	87755408
Filing Date	2018-01-15T00:00:00
Original Filing Basis	1a
Current Filing Basis	1a
Publication Date	2018-06-05
Registration Number	5545031
Date Registered	2018-08-21
Owner	(REGISTRANT) Lulu's On Main of Sylva, LLC (LIMITED LIABILITY COMPANY; NORTH CAROLINA); 705 W Main St, Sylva, NORTH CAROLINA 28779, UNITED STATES
Type of Mark	SERVICE MARK
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Code	050525, 261701, 261705
Description of Mark	<ul style="list-style-type: none">• Color is not claimed as a feature of the mark.• The mark consists of a stylized lily to the left of two horizontal lines bisected by the word "LULU'S" appearing diagonally with "ON MAIN" appearing below "LULU'S" in smaller lettering.
Live Dead Indicator	LIVE

Status	REGISTERED
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Attorney of Record	J. K. Coward
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Print: October 2, 2023 4:44 PM

6961966

Lulu's
ITALIAN

Word Mark	LULU'S ITALIAN •
Goods/Services	IC 043 US 101 100 Restaurant; Restaurant and bar services; Restaurant and café services; Restaurant services.
Register	PRINCIPAL
Serial Number	97185617
Filing Date	2021-12-22T00:00:00
Original Filing Basis	1a
Current Filing Basis	1a
Publication Date	2022-11-08
Registration Number	6961966
Date Registered	2023-01-24
Owner	(REGISTRANT) RT 204 MILL, LLC (LIMITED LIABILITY COMPANY; TEXAS); 2626 Westheimer Rd., Ste. 202, Houston, TEXAS 77098, UNITED STATES
Type of Mark	SERVICE MARK
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Description of Mark	Color is not claimed as a feature of the mark.
Disclaimer	"ITALIAN"
Live Dead Indicator	LIVE
Status	REGISTERED
Attorney of Record	Leela Madan

Print: October 2, 2023 4:44 PM

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on October 4, 2023 for
U.S. Trademark Application Serial No. 97670553

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) [Read the Office action](#). This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- [Check the status](#) of your application periodically in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- [Update your correspondence email address](#) to ensure you receive important USPTO notices about your application.
- [Beware of trademark-related scams](#). Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, [TSDR](#), to confirm that it appears under the “Documents” tab, or contact the [Trademark Assistance Center](#).
- [Hiring a U.S.-licensed attorney](#). If you do not have an attorney and are not required to

have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.